

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MAY 5, 2005
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair
Bernie Heier
Bob Workman
Ray Stevens

Commissioners Absent: Deb Schorr, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
APRIL 28, 2005**

MOTION: Stevens moved and Heier seconded approval of the Staff Meeting minutes dated April 28, 2005. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A). He noted that Senators Bourne and Stuthman have introduced an amendment to LB 425 (Appropriate funds for state government expenses) to increase the jail reimbursement program from \$3.5 million to \$4.0 million.

Kerry Eagan, Chief Administrative Officer, estimated that Lancaster County is owed \$1.6 million.

Kissel said Douglas County is considering filing a lawsuit against the State over the jail reimbursement issue.

MOTION: Heier moved and Workman seconded to send a letter to all of the state senators indicating the amount Lancaster County has lost over the last two years and asking their support of efforts to restore funding, with a copy to Douglas County. Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

A. County Change of Zone No. 05027 (Amusement Licenses)

Eagan said the Planning Commission has recommended approval of a text amendment to the Lancaster County Zoning Resolution to add approved amusement licenses as a permitted conditional use.

B. Family Drug Court Grant Application

Eagan said it was indicated that there would be no cost to the County. No match is required, other than indirect. He said Dennis Keefe, Public Defender, is concerned that Family Drug Court will increase attorney time requirements, including that of the contract attorneys.

C. Tour of CenterPointe Facility (2200 South 10th Street)

The Board will tour the facility at 1:30 p.m. on Thursday, May 12, 2005.

D. 2005 Nebraska Association of County Officials (NACO) Annual Conference (Hotel Reservations)

Informational only.

E. Appointment of Gary Hergenrader to Lincoln-Lancaster County Ecological Advisory Committee (EAC)

F. Change Order No. 1 Adding 35 Days to the Contract with Don McKinney for Construction of Vehicle Storage Facility

The Board scheduled the Items E and F on the Tuesday, May 10, 2005 Board of Commissioners Meeting agenda.

4 SPECIAL PERMIT FOR RECREATIONAL CABIN - Mike DeKalb, Planning Department; Dr. David Samani

Dr. David Samani said he has a 450 square foot recreational cabin (camping trailer) on his property near Denton and needs a special permit to put it on blocks and hook it to electrical service.

Mike DeKalb, Planning Department, referred to Article 13, Section 10 of the Lancaster County Zoning Regulations which addresses private recreational activities, including cabins and trailers not used as a residency (Exhibit B). He said the language appears to apply to Samani's situation, adding that reasonable conditions could be built into the special permit.

Heier asked whether it would affect density on the lot.

DeKalb said Samani would be able to build a house on the lot, but said it could have an impact on the density if he were to apply for a Community Unit Plan.

Dale Stertz, Building and Safety Department, appeared and said he would like to see the special permit voided and the structure removed if a permit is issued for a single family residence on the lot.

General discussion took place on whether to place time restrictions on the special permit.

DeKalb said the special permit could be structured so that there was a three-year restriction, with automatic renewal if no complaints were filed.

There was also a brief discussion of whether it would be more appropriate to have the special permit run with the land or the applicant.

Heier exited the meeting at 9:20 a.m.

5 TRUNK SEWER THROUGH WILDERNESS PARK/UPPER SOUTHEAST SALT CREEK - Brian Kramer and Steve Masters, Public Works/Utilities; Terry Genrich, Parks & Recreation Natural Resources Manager; LaDawn Sperling, Deanna Pulse and Jeff Torney, Olsson and Associates

Brian Kramer, Public Works/Utilities, gave an overview of plans to run a water sewer trunk line through Wilderness Park, referring to the following maps:

- Salt Valley & Beal Slough Trunk Sewer
- Uppers Southeast Salt Creek Trunk Sewer.

Kramer said the line will run through the field area, rather than closely following the railroad tracks, to protect a stand of trees along the tracks. He said the Friends of Wilderness Park were consulted about this alignment.

Terry Genrich, Parks & Recreation Natural Resources Manager, said the field area will be restored to prairie, which was one of the goals identified in the Wilderness Park Subarea Plan.

Jeff Torney, Olsson and Associates, said work includes exploration and drillings within the park and a final topographic survey to complete the final design. The final design should be ready to go out to bid in early September.

Genrich said the Lincoln-Lancaster County Ecological Advisory Committee (EAC) has been briefed. A presentation will also be given to the Mayor's Environmental Committee.

Steve Masters, Public Works/Utilities, noted plans for a walk-through with the consultants and an open house.

Heier returned to the meeting at 9:34 a.m.

6 KENO PREVENTION FUND INTERLOCAL AGREEMENT - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, reviewed proposed changes to the interlocal agreement between the City of Lincoln and Lancaster County for the Keno Human Services Prevention Fund:

- The percentage of keno proceeds deposited in an endowment fund will change from 40% to 35% and the percentage of funds utilized by the Joint Budget Committee (JBC) for the annual allocation of keno awards will change from 60% to 65%
- The endowment fund shall not be accessed until the fund reaches one million dollars (\$1,000,000), at which time the Keno Human Services Advisory Board will re-evaluate the fund and make recommendations to the Joint Budget Committee for potential procedural changes
- Composition of the Keno Human Services Advisory Board (three of the community at large members will be appointed by the Mayor and confirmed by the City Council and three will be appointed by the County Board)

Stevens requested inclusion of language in the termination clause to ensure that unallocated dollars are returned to the governmental entities at the same proportion that they were put into the fund.

Stevens also requested elimination of the following language in the last paragraph in the Keno Human Services Prevention Fund Guidelines (see agenda packet), as those points are already covered in the interlocal agreement:

Sixty-five (65%) percent of the funds placed into the prevention fund are distributed, while 35% are held in reserve each year. Prevention Fund Advisory Board members include a City and County Joint Budget Committee representative, and six at-large community members.

MOTION: Workman moved and Hudkins seconded to maintain the current 60/40 split and to revisit the issue with the City Council at a City-County Common, after the new City Council members take office. Workman, Heier and Hudkins voted aye. Stevens voted no. Motion carried.

RETURNING TO ITEM 15B

Boesch said she believes it is conceptually a good grant, but suggested that the Board ask to see a copy of the grant before an application is submitted.

7 A) SIREN PLACEMENT IN COUNTY RIGHT-OF-WAY; AND B) HOMELAND SECURITY GRANTS - Doug Ahlberg, Emergency Management Director

A) Siren Placement in County Right-of-Way

Doug Ahlberg, Emergency Management Director, recommended placement of a warning siren in the county right-of-way on Southwest 40th Street, between A and Van Dorn Streets. He said he has discussed the placement with the County Engineer and he has no objection.

MOTION: Workman moved and Stevens seconded approval of the siren placement, as outlined. Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

B) Homeland Security Grants

Ahlberg recommended that the County hold off on a sub-grant award agreement with the Nebraska Emergency Management Agency (NEMA) for Fiscal Year 2005 Homeland Security Grant Program, Metropolitan Medical Response System (MMRS), until he can determine the appropriate grantee.

Ahlberg also presented information on sub-grant agreements with NEMA to provide funding for the Fiscal Year 2005 Homeland Security Grant Program and Fiscal Year 2005 Law Enforcement Terrorism Prevention Program (Exhibit C).

8 TIMETABLE FOR MOVE OF LANCASTER MANOR AS400 TO INFORMATION SERVICES - Doug Thomas, Information Services Director; Larry Van Hunnik, Lancaster Manor Administrator; Tom Fox, Deputy County Attorney

Doug Thomas, Information Services Director, presented a timeline and cost estimate for migration of the Lancaster Manor AS400 to Information Services (Exhibit D).

MOTION: Heier moved and Stevens seconded approval of the timetable and minimum and maximum amounts, as shown on the cost estimate. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

ACTION ITEMS

- A. Microcomputer Request C#2005-142, \$3,708.18 from the Drug Forfeiture Fund for Eleven (11) 17" Flat Panel Monitors for County Attorney's Office

General discussion took place with Doug Thomas, Information Services Director, regarding flat panel monitors, including whether they should be considered an accessory item and whether all purchases need to be made through Information Services.

Eagan stressed the need to comply with Purchasing laws.

Workman asked Thomas to research the difference in power consumption between regular and flat panel monitors.

MOTION: Heier moved and Stevens seconded to deny the request. Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

- B. Authorize Tim Genuchi, Accounting Operations Manager in the County Clerk's Office, and Liz Thanel, Accountant in the County Treasurer's Office, to Attend Quest/PeopleSoft Users' Conference (Approximately \$3,600 - \$4,225 from the Information Services Training Budget)

MOTION: Workman moved and Stevens seconded approval. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

9 REAPPRAISAL AND APPRAISAL OF COUNTY COMMISSIONERS AND COUNTY ASSESSOR/REGISTER OF DEEDS PROPERTIES -
Norm Agena, County Assessor/Register of Deeds; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds

Rob Ogden, Chief Field Deputy Assessor/Register of Deeds, gave an update on conversion to the new computer system.

Norm Agena, County Assessor/Register of Deeds, said there will be a reappraisal in 2006 and said he and his chief deputies will have independent appraisals of their homes. He said he has had an independent appraisal of his home for the past fifteen years and recommended that members of the County Board, who serve as the Board of Equalization, do so as well to avoid any appearance of special treatment. The independent appraisal will be used for valuation purposes if it deviates from the one established by the Assessor's Office by more than five percent. The Assessor's valuation will be used if the independent valuation is within five percent. **NOTE:** Independent appraisals for the County Assessor and his chief deputies have been paid out of the Board of Equalization budget in the past.

MOTION: Heier moved and Stevens seconded to follow the County Assessor's recommendation and hire an outside appraiser to appraise the personal residences of the County Assessor, his chief deputies, and members of the Board of Equalization.

Stevens said he is not sure it is appropriate to pay for the appraisals out of the Board of Equalization budget.

Workman expressed concern that using a different system of appraisal would be "special treatment".

Heier called the question.

ROLL CALL: Heier and Stevens voted aye. Workman and Hudkins voted no. Vote tied. Motion failed due to the lack of a majority.

MOTION: Workman moved and Hudkins seconded to: 1) Allow an independent appraisal for the personal residences of the County Assessor and his chief deputies, paid for out of the Board of Equalization budget; 2) Give members of the Board of Equalization the option of asking for an independent appraisal of their personal residences, paid for out of the Board of Equalization budget; and 3) Have the independent appraisals become part of the public record.

Brief discussion followed.

ROLL CALL: Stevens, Workman, Heier and Hudkins voted no. Motion failed.

MOTION: Heier moved and Workman seconded to have the County Assessor and his chief deputies, seek an independent appraisal of their personal residences by a certified appraiser, to be paid for out of the Board of Equalization budget and to be made part of the public record. Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

Ogden also presented copies of Orion Migration Strategy, a PowerPoint presentation he gave at a recent OASIS and Orion users' conference. (Exhibit E).

10 COMMUNITY MENTAL HEALTH CENTER (CMHC) CONTRACT WITH NANCEE BLUM (WORKSHOP ON JUNE 8, 2005) - Kristy Mundt, Deputy County Attorney; Dean Settle, Community Mental Health Center Director

Kristy Mundt, Deputy County Attorney, said Blum does not meet the general liability requirements, but has professional liability insurance.

Board consensus was to waive the requirement.

11 CHECK SCANNER EQUIPMENT - Kristy Mundt, Deputy County Attorney; Terry Adams, Deputy County Treasurer

Kristy Mundt, Deputy County Attorney, said she has been working with Tom Steyer of JT Associates (Tower Trim consultant) on an agreement for check scanner equipment, software licenses and related professional services for the County Treasurer's Office. She pointed out the Steyer does not have general liability insurance.

Gwen Thorpe, Deputy Chief Administrative Officer, said she is still comfortable with the agreement.

Terry Adams, Deputy County Treasurer, concurred.

Mundt said the County will get check scanner units and Captovation check capture software licenses through a related agreement.

12 MENTAL HEALTH JAIL DIVERSION/COMMUNITY CORRECTIONS COOPERATION - Kim Etherton, Community Corrections Director; Dean Settle, Community Mental Health Center Director; Travis Parker, Mental Health Jail Diversion Project Director

Kim Etherton, Community Corrections Director, gave an update on Community Corrections: Alternatives to Incarceration Programs (Exhibit F). She said she believes the programs are having an impact on the system, but said it is difficult to quantify.

Etherton said, on occasion, the Pre-Trial Program has screened someone in the jail who has a significant mental health issue and said she would like to utilize the Mental Health Jail Diversion Program for individuals the Pre-Trial Program deems appropriate for pre-trial release, provided that they have access to a psychiatrist, medications and intensive mental health care management and supervision. The one "glitch" is that the Mental Health Jail Diversion Program does not currently accept felony cases.

Dean Settle, Community Mental Health Center Director, said almost all of the programs operating in mental health jail diversion nationwide work with some type of lower felon charge individuals. He said the risk is less for the community at large and the success rate is about the same as the typical person that is being admitted into the Mental Health Jail Diversion Program. Settle said it appears that a few individuals could be accommodated in this arrangement with the same level of staff and services.

Dennis Keefe, Public Defender, appeared and said he does not see a downside to the arrangement.

Travis Parker, Mental Health Jail Diversion Project Director, said he is excited about the opportunity to pair up with Community Corrections. He also presented an article from the International Journal of Forensic Mental Health 2(2): 137-143, 2003 titled Can Persons with Co-Occurring Disorders and Violent Charges be Successfully Diverted? (Exhibit G).

MOTION: Stevens moved and Workman seconded to ask Kim Etherton, Community Corrections Director, and Travis Parker, Mental Health Jail Diversion Project Director, to work together on trying to see how individuals in the Community Corrections Pre-Trial Program can get the mental health services they require under the Mental Health Jail Diversion Grant. Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

13 LABOR NEGOTIATIONS - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Tom Fox, Deputy County Attorney

MOTION: Workman moved and Heier seconded to enter Executive Session at 11:34 a.m. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

MOTION: Stevens moved and Workman seconded to exit Executive Session at 12:05 a.m. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

14 ACTION ITEMS

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Items A and B were moved forward on the agenda.

15 ADMINISTRATIVE OFFICER REPORT

- A. County Change of Zone No. 05027 (Amusement Licenses)
- B. Family Drug Court Grant Application
- C. Tour of CenterPointe Facility (2200 South 10th Street)
- D. 2005 Nebraska Association of County Officials (NACO) Annual Conference (Hotel Reservations)
- E. Appointment of Gary Hergenrader to Lincoln-Lancaster County Ecological Advisory Committee (EAC)
- F. Change Order No. 1 Adding 35 Days to the Contract with Don McKinney for Construction of Vehicle Storage Facility

Items A-F were moved forward on the agenda.

DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said the committee discussed the trunk sewer line that will run through Wilderness Park. He said he also met with Dick Esseks, EAC Chair, to discuss his concerns about the direction the group is taking, including making recommendations on bond issues.

Eagan said has researched the issue of making recommendations on the impact of acreage developments on ecologically sensitive areas and has drafted a letter to the EAC, per the Board's request. He will work with Heier to refine the letter.

- B. Lancaster Manor Advisory Committee - Heier

Heier said the State has completed its evaluation of the facility.

C. Lincoln Partnership for Economic Development (LPED) Investors -
Hudkins

Hudkins said there were presentations on Salt Creek and on the 2004 Business Retention and Expansion Survey.

ADJOURNMENT

MOTION: Heier moved and Stevens seconded to adjourn the meeting at 12:07 p.m. Workman, Heier, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk